

### **REMARKS**

This paper is in response to the Office Action mailed on February 11, 2004

Claims 1, 6, 53, 125, and 126 are amended, claims 5 and 57 are canceled, and no claims are added; as a result, claims 1-4, 6-9, 53-56, 58-60, 69-76, 85-107 and 125-127 are now pending in this application.

### **Information Disclosure Statement**

Applicant submitted an Information Disclosure Statement and a 1449 Form on September 29, 2003. Applicant is enclosing a copy of the returned 1449 Form and respectfully requests that Examiner initial each of the listed references on the 1449 Form and requests that the initialed 1994 Forms be returned to Applicants' Representatives to indicate that the cited references have been considered by the Examiner.

### **§102 Rejection of the Claims**

Claims 1-6, 53-58, and 125-126 were rejected under 35 USC § 102(e) as being anticipated by Clampitt (U.S. 6,150,691). Applicant traverses.

With respect to claim 1, applicant can not find in Clampitt the following feature as recited in claims 1: the dielectric cap comprises at least one dielectric material selected from the group consisting of oxides and silicon oxynitrides. As applicant can not find all of the features of claim 1 in Clampitt, applicant requests allowance of claim 1 and its dependent claims 2-4.

With respect to claim 6, applicant can not find in Clampitt the following features as recited in claims 6: a dielectric cap on a top of the sidewalls, wherein the dielectric cap comprises at least one dielectric material selected from the group consisting of oxides and silicon oxynitrides, and wherein the dielectric cap is adapted to remain on the top of the sidewalls and form part of the dielectric layer. As applicant can not find all of the features of claim 6 in Clampitt, applicant requests allowance of claim 6.

Applicant asserts that claim 53 is allowable over Clampitt for at least substantially similar reasons as stated above with regard to claim 1.

With respect to claim 58, applicant can not find in Clampitt the following feature as recited in claims 58: a dielectric cap on a top of the sidewalls, wherein the dielectric cap comprises silicon oxynitride. As applicant can not find all of the features of claim 58 in Clampitt, applicant requests allowance of claim 58.

With respect to claim 125, applicant can not find in Clampitt the following feature as recited in claims 125: an oxide dielectric cap on a top of the sidewalls. As applicant can not find all of the features of claim 125 in Clampitt, applicant requests allowance of claim 125.

With respect to claim 126, applicant can not find in Clampitt the following feature as recited in claims 126: a dielectric cap on a top of the sidewalls, wherein the dielectric cap comprises at least one dielectric material selected from the group consisting of silicon oxides and silicon oxynitrides. As applicant can not find all of the features of claim 126 in Clampitt, applicant requests allowance of claim 126.

### §103 Rejection of the Claims

Claims 7 and 60 were rejected under 35 USC § 103(a) as being unpatentable over Clampitt. Claims 8, 9, 59, and 127 were rejected under 35 USC § 103(a) as being unpatentable over Clampitt in view of Yoo et al. (U.S. 6,177,340). Claims 69-74, 85-90, 93-101, and 101-106 were rejected under 35 USC § 103(a) as being unpatentable over Clampitt in view of Gustavson et al. (US 2003/016356). Claims 75-76, 91-92, 99-100, and 107-108 were rejected under 35 USC § 103(a) as being unpatentable over Clampitt in view of Yoo and Gustavson et al. (US 2003/016356).

Applicant respectfully traverses all rejections under 35 USC § 103(a) that include Clampitt. Clampitt is assigned to the same assignee, Micron Technology Inc. as the present application. Moreover, the present application and Clampitt were, at the time the invention of the present application was made, owned by Micron Technology Inc. or subject to a duty to assign the invention to Micron Technology Inc. Accordingly, Clampitt is not a reference under 35 USC § 103(c). Withdrawal and reconsideration of the rejections of claims 7-9, 59, 60, 69-74, 75, 76 85-108 and 127 are requested.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9587 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

GURTEJ S. SANDHU ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

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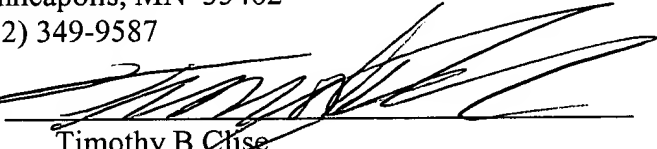
Minneapolis, MN 55402

(612) 349-9587

Date

11 May '04

By

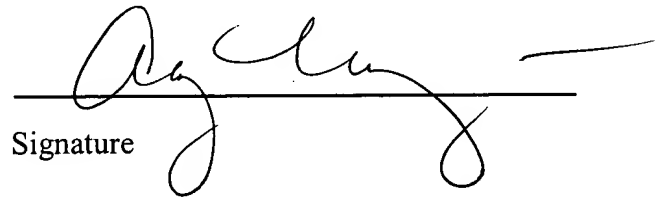
  
Timothy B Chise  
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Name

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
(Use as many sheets as necessary)

OCT 02 2003  
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Complete if Known

Application Number	09/945497
Filing Date	August 30, 2001
First Named Inventor	Sandhu, Gurtej
Group Art Unit	2822
Examiner Name	Rose, Kiesha

Sheet 1 of 2

Attorney Docket No: 303.541US3

**US PATENT DOCUMENTS**

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	Filing Date if Appropriate
	US-5,061,650	10/29/1991	Dennison, , et al.	437	47	01/17/1991
	US-5,138,412	08/11/1992	Hieda, Katsuhiko , et al.	357	23.6	01/07/1991
	US-5,192,702	03/09/1993	Tseng, Horng-Hui	437	47	12/23/1991
	US-5,206,183	04/27/1993	Dennison, Charles	437	47	02/19/1992
	US-5,284,787	02/08/1994	Ahn, Ji-hong	437	52	12/31/1991
	US-5,364,817	11/15/1994	Lur, Water	437	192	05/05/1994
	US-5,451,537	09/19/1995	Tseng, Horng-Huei , et al.	437	52	08/12/1994
	US-5,459,094	10/17/1995	Young, K. J.	437	52	02/08/1994
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	US-5,792,689	08/11/1998	Yang, Fu-Liang	438	253	04/11/1997
	US-5,795,805	01/18/1998	Wu, Der-Yuan , et al.	438	253	01/04/1997
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	US-6,150,691	11/21/2000	Clampitt, Darwin A.	257	308	12/19/1997
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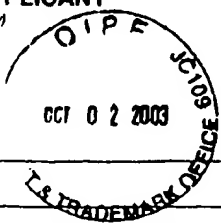
DATE CONSIDERED 27 Jan 04

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\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2"><b>Complete if Known</b></td> </tr> <tr> <td style="width: 50%;">Application Number</td> <td>09/945497</td> </tr> <tr> <td>Filing Date</td> <td>August 30, 2001</td> </tr> <tr> <td>First Named Inventor</td> <td>Sandhu, Gurtej</td> </tr> <tr> <td>Group Art Unit</td> <td>2822</td> </tr> <tr> <td>Examiner Name</td> <td>Rose, Kiesha</td> </tr> </table>	<b>Complete if Known</b>		Application Number	09/945497	Filing Date	August 30, 2001	First Named Inventor	Sandhu, Gurtej	Group Art Unit	2822	Examiner Name	Rose, Kiesha
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Sheet 2 of 2	Attorney Docket No: 303.541US3												



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	US-6,235,639	05/22/2001	Sandhu, Gurtej S., et al.	438	705	11/25/1998
	US-6,258,691	07/10/2001	Kim, Yun-Gi	438	398	07/09/1999
	US-6,281,072	08/28/2001	Li, Weimin, et al.	438	253	08/01/2000

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	T <sup>2</sup>

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Office Action mailed by the US PTO on April 23, 2003 for related matter US Application No. 09/945,397.	

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DATE CONSIDERED 27 Jan 04

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